

*Superseded by
73-39*

COUNTY COUNCIL

OF

HARFORD COUNTY, MARYLAND

1973 Legislative Session, Legislative Day No. 73-14Bill No. 73-13Introduced by Mr. Habern W. Freeman, Jr.

AN EMERGENCY ACT, entitled "Solid Waste", to add new Section 471 A. to the Code of Public Local Laws of Harford County, Maryland, to follow immediately after Section 471 thereof providing for the regulation and control of Solid and Liquid Waste and other materials and generally relating to the regulation, control, collection and disposition of waste materials.

By the Council May 8,, 197³

Introduced, read first time, ordered posted and public hearing scheduled on
June 12, 197³, at 7:00 P.M. in the
Council Hearing Room, Bel Air, Maryland.

By order, Brogue B. Johnston, Secretary

PUBLIC HEARING

Having been posted and Notice of time and place of hearing
and Title of Bill having been published according to the Charter, a public
hearing was held on June 12, 1973 and concluded
on June 12, 1973.

Brogue B. Johnston, Secretary

1 Section 1. Be it enacted by the County Council of Harford County,
2 Maryland, that new Section "471 A. Solid Waste" of the Code of
3 Public Local Laws of Harford County be enacted as follows:

4 471 A. Solid Waste.

5 1. Definitions:

6 a. Commercial Refuse: The refuse from wholesale
7 and retail stores, restaurants, florists, beauty shops, variety
8 stores, hardware stores and other commercial enterprises.

9 b. Emergency: Shall mean a sudden, unexpected and
10 unforeseen condition of such public gravity as to require immedi-
11 ate action to carry out the purpose of this law.

12 c. Garbage: The animal and vegetable wastes
13 resulting from the handling, preparation, cooking and consumption
14 of foods, exclusive of recognized industries, and human or
15 animal feces.

16 d. Hazardous and Special Waste: Hazardous solid
17 and liquid wastes such as but not limited to highly flammable
18 materials, explosives, pathological wastes, poisons, infectious
19 wastes from hospitals, doctors' offices, county homes for the
20 aged, such as syringes, patients specimens, discarded dressings,
21 and radioactive materials.

22 e. Incinerator: Shall mean any approved
23 equipment, device or contrivance used for the destruction of
24 garbage, rubbish or other wastes by burning at approximately 1200°F.

25 f. Industrial Refuse: Industrial refuse consists
26 of solid waste materials from factories, processing plants and
27 other manufacturing enterprises including putrescible garbage
28 from food processing plants and slaughter houses, condemned
29 foods, waste building materials and all other refuse from
30 manufacturing establishments.

31 g. Odors: Shall mean that property of an emis-
32 sion which stimulates the sense of smell.

1 h. Offal: The waste animal matter from butcher
2 and slaughter or packing houses.

3 i. Open Dump: Any land public~~ly~~ or privately
4 owned, other than an approved sanitary landfill, on which there
5 is a deposit or an accumulation, either temporary or permanent,
6 of any kind of organic or inorganic refuse.

7 j. Open Fire: Shall mean a fire where any
8 material is burned in the open or in a receptacle other than a
9 furnace, incinerator, or other equipment designed and approved
10 for the destruction of specific materials.

11 k. Person: The term person when used in this
12 law means any person, institution, association or corporation
13 or other ~~entity~~ entity generating, storing and/or collecting, and/or
14 transporting, and/or disposing, or contracting directly or
15 indirectly to collect and/or to have collected or transported and/
16 or disposing of solid or liquid wastes within Harford County.

17 l. Refuse Collection: The removal and
18 conveyance of refuse from temporary storage points to disposal
19 sites by municipalities, contractors, and others.

20 m. Refuse Disposal: The method of final
21 disposition of refuse.

22 n. Refuse Storage: The temporary storage of
23 refuse by households and commercial establishments, all of which
24 is produced on the premises where the refuse is stored.

25 o. Sanitary Landfill: A planned and systematic
26 method of refuse disposal whereby the waste material is placed
27 in the earth in layers, then compacted and covered with earth
28 at the end of each day's operation.

29 p. Solid Wastes: All waste materials, combustible
30 or noncombustible, from all public and private establishments and
31 residences, including trash, garbage, rubbish, industrial refuse
32 and commercial refuse, excluding body excrements.

1 q. Trash: All solid waste other than garbage
2 and offal, from stores, institutions, markets and other
3 establishments, further classified as combustible (mostly paper,
4 wood, and cloth) and noncombustible (metals, glass, crockery).

5 2. Collection License Procedure: Any person engaged
6 in refuse or liquid waste disposal for compensation shall be
7 licensed by the Harford County Department of Permits and Licenses.
8 The applicant for a collection license shall submit information
9 on the number, type, make, year, and capacity in cubic yards and
10 tonnage or tank capacity of vehicles proposed to be employed in
11 collection service. A separate application will be submitted for
12 each vehicle. There shall be on an annual basis an inspection of
13 the collection equipment, jointly performed by a representative
14 of the Director of Public Works and the Harford County Health
15 Department. Each application shall be jointly approved prior to
16 issuance of any license for operation. In addition thereto,
17 routine inspections of collection equipment may be made by
18 representatives of the Health Department or Department of Public
19 Works.

20 a. Applications for the above required inspection
21 will be mailed to each person or firm concerned by the Department
22 of Health prior to November 15, annually.

23 b. License Term: Licenses issued under Section 3
24 shall be valid for one (1) year and must be renewed one (1) year
25 from the date of issuance.

26 c. Fees: From time to time reasonable fees shall
27 be as established by Harford County, Maryland, and such fees
28 shall be promulgated in an appropriate board order.

29 d. Each collection vehicle shall be identified with
30 the name of person, firm, or corporation printed on each door.
31 This shall be legible and be proportioned in letters three (3)
32 inches in height.

1 e. Any person, firm or corporation engaged in
2 refuse collection and disposal or liquid waste collection and
3 disposal for compensation shall post a performance bond in an
4 amount of not less than One Thousand Dollars (\$1,000.00) a vehicle,
5 such bond to be furnished to the Director of Public Works prior
6 to issuance of any license for operation. Effective date and
7 term of bond shall run concurrently with term of license for each
8 vehicle.

9 f. Each vehicle issued a Harford County license
10 shall display such license number in a clearly visible place.

11 3. Other State Jurisdictions: Neighboring or
12 adjacent jurisdictions and municipalities in the State of Maryland
13 as well as any person engaged in refuse or liquid waste disposal
14 for compensation, shall obtain the consent of the Department of
15 Public Works and the Harford County Health Department before
16 using any disposal facilities in this County.

17 4. Storage or Accumulation of Refuse: All persons
18 shall keep their premises free from such accumulation of improper-
19 ly stored refuse as not to constitute a menace to the health or
20 safety of any person or persons.

21 a. All garbage and trash shall be stored in
22 approved commercially available type containers with tight fitting
23 covers or placed in heavy plastic bags and tied.

24 b. The occupant of any premises shall be
25 responsible for the sanitary condition of the premises occupied
26 or owned by him and it shall be unlawful for any person to place,
27 deposit, or allow refuse to be placed or deposited on his
28 premises.

29 c. The owner of any unimproved lot or parcel of
30 land, shall be responsible for the removal of any menace to public
31 health, welfare or safety arising from the growth of weeds,
32 accumulation of garbage, trash or refuse, the presence of stagnant

1 water or waste, or of any combustible material. If any person
2 fails within thirty (30) days to abate any of the above conditions
3 or conditions not described herein, that would be a menace to
4 public health, safety, or welfare, removal may be effected by
5 County employees or by contract with independent contractors.
6 This notice may be issued by the County Executive, the Director
7 of Public Works, or the Department of Health. It may be given
8 by posting the premises or mailing a copy of registered mail to
9 the last known address of the person in whose name the property
10 is assessed for taxation.

11 d. The cost and expense of abating the nuisance
12 shall be certified by the Director of Public Works to the
13 Treasurer of Harford County, together with the name or names of
14 the property owner and whatever charges shall constitute a lien
15 upon the real estate and collectible in the same manner as real
16 property taxes with the same priority, interest and penalties.

17 5. Collection and Transportation:

18 a. All collection vehicles shall be sufficiently
19 water tight to prevent loss of liquid from waste matter.

20 b. All open type vehicles shall be covered
21 between points of collection and place of disposal by heavy
22 canvas or other suitable cover to prevent odors and refuse from
23 escaping onto streets, roadways and adjacent areas.

24 c. Collection points shall be left clean and free
25 of debris, trash and other refuse after collection is made.

26 d. All collection vehicles shall be kept cleaned
27 so as to minimize odors and prevent insect breeding and rodent
28 feeding.

29 e. Garbage and trash shall be placed in the same
30 container. All containers shall be kept clean and in good repair.

31 f. All articles such as boxes, crates, magazines,
32 tree trimmings, hedge cuttings, etc. will be broken down and

1 tied in compact bundles not heavier than sixty (60) pounds nor
2 more than four (4) feet in length to permit safe and rapid
3 handling by one (1) man.

4 g. Flowers, grass cuttings, weeds and small
5 garden debris shall be placed in regular containers, except as
6 defined in paragraph h. below.

7 h. Excess refuse that will not fit into regula-
8 tion containers must be prepared in a neat and compact bundle as
9 specified in paragraph f. above, or placed in a disposable
10 container. On day of collection all containers will be placed at
11 front curb of property line, or other site within the property as
12 agreed upon by the collector. No more than two (2) bundles or
13 two (2) plastic bags of leaves shall be placed for removal on
14 each collection day.

15 i. All containers for trash and garbage shall be
16 of commercially available type and equipped with handles and
17 tight fitting covers. For mixed trash and garbage, container size
18 shall be not more than thirty-one (31) gallons and no single
19 filled container or bundle shall exceed sixty (60) pounds. Card-
20 board boxes, baskets, oil or chemical drums are not acceptable as
21 containers for regular collection. There is no limit to the
22 number of regulation containers that may be used.

23 j. Bulky trash items may be disposed of through
24 prior arrangement by calling the Department of Public Works.
25 These bulky trash items must be placed at curb line or property
26 line on prearranged date. These items include old refrigerators,
27 washing machines, water tanks, old furniture, etc., which the
28 contract collectors are not obligated to collect.

29 k. The collection and disposal of hazardous and
30 special waste shall be resolved by consultation with the Director
31 of Public Works, and subject to the approval of the County
32 Health Officer.

1 1. All contractors engaged in collection of trash
2 and garbage shall establish and maintain a frequency of collection
3 at least once weekly in rural areas and twice weekly on all
4 urban routes under their jurisdiction. The frequency of collection
5 from commercial and/or industrial establishments will be
6 determined on an individual basis.

7 6. Material Handling, Construction and Demolition:

8 a. All construction sites will be maintained in
9 a clean condition during all periods of construction.

10 b. Collection containers or vehicles will be
11 located on construction sites for the disposal of waste construc-
12 tion materials and other debris. A sufficient number of con-
13 tainers or vehicles will be available to adequately serve each
14 individual site.

15 c. Roadways in all construction sites will be
16 kept free of earth or other materials which have been transported
17 thereto by trucks, cars or earth moving equipment or erosion by
18 water.

19 d. All open-bodied vehicles transporting waste
20 materials or other materials that can be blown overboard during
21 movement, will be covered with suitable canvas or other approved
22 covering.

23 e. Water or suitable chemicals will be used for
24 the control of dust during the demolition of buildings, or
25 structures, construction operations, the grading of roads or the
26 clearing of land.

27 f. Asphalt, oil, water or suitable chemicals
28 will be used on all dirt roads to prevent dust from becoming a
29 nuisance.

30 7. Collection of Liquid Waste:

31 a. All persons engaged in collection and trans-
32 portation of liquid waste shall comply with paragraph 3 of this

1 law.

2 b. All septic tank waste shall be disposed of
3 only at those manhole sites as designated by the Director of
4 Public Works, with concurrence of local health officer.

5 c. All vehicles used in the enterprise of liquid
6 waste disposal shall be used only for this purpose. All tanks,
7 hoses and pumps shall be leakproof.

8 d. Septic tank vehicles shall have lettering on
9 each side of tank, as follows: "Sewage Only" and gallons of
10 tank capacity. Lettering shall be of dimensions as specified in
11 paragraph 2 d. above.

12 e. Septic tank waste and/or partially digested
13 sludge waste shall not be dumped on any open areas such as park-
14 land or farmland, but shall be disposed of in accordance with
15 paragraph 7 b. above.

16 8. Incineration:

17 a. Private Property - Open Burning of Trash and
18 Debris: Any person disposing or contemplating disposal of
19 refuse on his property by open burning must observe the following
20 procedures in accordance with State and Health Department Regula-
21 tion 10.03.38 and the provisions of this law under the Annotated
22 Code of Maryland Article 43 Section 697:

23 (1) Make application to the Air Pollution
24 Control Office of the Health Department for an Open Burning
25 Permit.

26 (2) No burning of refuse or land clearing
27 debris will be done within Two Hundred (200) yards of one (1)
28 or more occupied buildings or a heavily traveled roadway provided
29 that on or after July 1, 1973, this distance shall not be less
30 than Five Hundred (500) yards.

31 (3) Any materials which produce dense smoke
32 when burned, including but not limited to tires, asphaltic

1 materials, automobile bodies, or parts thereof, will not be burned.

2 (4) Burning of household trash and garbage
3 is prohibited in all areas where collection service is available.

4 (5) All types of refuse open burning is
5 prohibited within town or village limits, within subdivision
6 housing developments, or such other densely populated areas as
7 may be specified by the Harford County Health Officer.

8 (6) Effective July 1, 1973) open burning of
9 leaves will be done only in those areas that are at least Three
10 Hundred (300) feet from any occupied building or a heavily
11 traveled roadway. Leaf burning is also prohibited in those areas
12 as specified in paragraph 8.a.(5) above.

13 9. Penalties:

14 a. It shall be a misdemeanor for any person to
15 violate any provision of this law and upon conviction of such
16 violation, said person shall be punished by a fine of not more
17 than Five Hundred Dollars (\$500.00).

18 b. Each violation of any Section or Subsection of
19 this law shall constitute a separate and distinct offense indepen-
20 dent of the violation of any other Section or Subsection, or of
21 any order issued pursuant to this law. Each day of violation
22 shall constitute an additional, separate and distinct offense.

23 c. Any person charged with a violation of any
24 provision of this law shall be issued a citation requiring him/her
25 to appear on a day named therein, before the District Court for
26 Harford County. It shall be the duty of at least two (2)
27 appointed representatives of the Director of Public Works and at
28 least one (1) representative of the County Health Department, under
29 provisions of this ordinance to issue such citations, each citation
30 shall contain the following:

31 (1) Name and address of the person charged
32 with a violation of this law.

1 (2) Location or address and the date and
2 time the alleged violation is said to have occurred.

3 (3) The offense with which said person is
4 charged.

5 (4) Time and place the person shall appear
6 in Court.

7 (5) A space in which the person may endorse
8 the citation and such other pertinent information as shall be
9 deemed appropriate. The person to whom a citation has been
10 issued shall signify his willingness to appear before the Court
11 named, on the day specified, by endorsement of said citation.
12 If such person shall fail to appear, the District Court shall
13 issue a warrant for the arrest of the said person or in lieu
14 of said warrant may send by certified mail a summons to the
15 violator at his last known address, setting the case for trial on
16 a date at least two (2) weeks subsequent to the original trial
17 date.

18 (6) The time specified to appear on the
19 original citation shall be at least five (5) days after the
20 alleged violation unless the person charged with the violation
21 requests an earlier hearing date.

22 d. If a person does not willingly consent in
23 writing to issuance of the citation, or is not a resident of the
24 State of Maryland; and if a police officer(s) witnessed the
25 violation, he shall proceed to arrest the person; or if the
26 appointed representative who witnessed the violation is not a
27 police officer, he shall proceed to obtain a warrant from the
28 District Court or authorized Magistrate or Judge of a competent
29 jurisdiction in a manner provided by law.

30 e. Nothing in this law shall be construed to
31 abridge, limit, or otherwise impair the right of any person to
32 damages or other relief of account of injuries to persons or

1 property and to maintain any action or other appropriate proceed-
2 ing therefore.

3 10. Regulations: Under the provisions of this law,
4 authority is delegated to the Director of Public Works and
5 the Health Officer cooperating jointly to make any Regulations
6 provided such Regulations will carry out and promote the intent
7 and purpose of this law as stated heretofore in paragraph 1.,
8 and provided further that said Regulations are fair and reasonable,
9 and provided further that the approval of the County Executive
10 is obtained before said Regulations are placed in force.

11 11. Repealer: All laws or parts of a law inconsistent
12 with the provisions of this law are hereby repealed.

13 Section 2. And be it further enacted, that this act is hereby
14 declared to be an emergency measure and necessary for the
15 immediate preservation of the public health, safety and welfare,
16 and shall take effect the day it becomes law.

17 Effective: July 5, 1973

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19
20 The Secretary of the Council does hereby
21 certify that fifteen (15) copies of this Bill
22 are immediately available for distribution to
23 the public and the press.

24 Bernard B. Johnston
25 Secretary
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LIBER 1 PAGE 83
BY THE COUNCIL

Read the third time.

Passed June 12, 1973 (LSD 73-18) (~~XXXXXX~~)

~~Failed XXXX~~

By order

Imogene B. Johnston, Secretary
Imogene B. Johnston

Sealed with the County Seal and presented to the County Executive for his
approval this 14 day of June, 1973 at
11:30 o'clock A.M.

Imogene B. Johnston, Secretary
Imogene B. Johnston



BY THE EXECUTIVE

APPROVED:

Charles B. Anderson, Jr., County Executive

BY THE COUNCIL

This Bill, having received neither the approval nor the
disapproval of the Executive within twenty-one (21) days of its presentation,
becomes law on July 5, 1973.

Imogene B. Johnston, Secretary